

1 WILLIAM J. GEDDES
Nevada Bar No. 6984
2 THE GEDDES LAW FIRM, P.C.
8600 Technology Way, Suite 115
3 Reno, Nevada 89521
Phone: (775) 853-9455
4 Fax: (775) 299-5337
Email: Will@TheGeddesLawFirm.com
5 Attorney for Plaintiff Alicia DePaulis

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 ALICIA DEPAULIS, an individual,
9 Plaintiff,

CASE NO: 3:16-cv-00675

10 vs.

VERIFIED COMPLAINT

JURY DEMAND

11 CHURCHILL COUNCIL ON ALCOHOL
AND OTHER DRUGS, d.b.a. NEW
12 FRONTIER TREATMENT CENTER, a
domestic non-profit corporation; LANA
13 ROBARDS, an individual; DEBBIE
RIDENOUR, an individual; DOE BUSINESS
14 ENTITIES 1-10; and DOE INDIVIDUALS 1-
50.

15 Defendants.
16

17 COMES NOW Plaintiff ALICIA DEPAULIS, by and through her counsel, WILLIAM J.
18 GEDDES, ESQ. of the law firm THE GEDDES LAW FIRM, P.C., and hereby complains of Defendant
19 CHURCHILL COUNCIL ON ALCOHOL AND OTHER DRUGS, d.b.a. NEW FRONTIER
20 TREATMENT CENTER, LANA ROBARDS, an individual DEBBIE RIDENOUR, an individual;
21 DOE BUSINESS ENTITIES 1-10, and DOE INDIVIDUALS 1-50, inclusive, as follows.

22 I.

23 STATEMENT OF THE CASE

24 This is an employment discrimination case arising under Title VII and the *Americans with*
25 *Disabilities Act* (“ADA”). This case also asserts supplemental-jurisdiction, state-tort claims. Plaintiff
26 ALICIA DEPAULIS (“PLAINTIFF”) was an employee of Defendant CHURCHILL COUNCIL ON
27 ALCOHOL AND OTHER DRUGS, d.b.a. NEW FRONTIER TREATMENT CENTER.

28 PLAINTIFF alleges herein that David Dummar, a supervisor of the treatment center made

1 repeated, unwanted sexual advances toward PLAINTIFF in the workplace, which she repeatedly
2 rejected. Plaintiff further alleges that Mr. Dummar would not accept her rejections, and that he
3 engaged in a late-night stalking of PLAINTIFF at her home, causing her severe emotional distress and
4 fear for her safety. Upon learning of such matters, the employer repeatedly failed to take prompt,
5 appropriate, and corrective action against Mr. Dummar for his misconduct and for the protection of
6 PLAINTIFF, during the remainder of her employment at the treatment center.

7 First, the employer ordered PLAINTIFF to communicate with Mr. Dummar, to tell him that she
8 was not interested in having a romantic relationship with him, and to tell him not to communicate with
9 her at work. However, this was harassing to PLAINTIFF because she had already told Mr. Dummar
10 that she did not want to have a romantic relationship with him on multiple occasions, yet he had
11 disregarded her rejections. PLAINTIFF told the employer that she was not comfortable communicating
12 with Mr. Dummar about anything, yet she was forced to do so. After PLAINTIFF again told Mr.
13 Dummar that she had no romantic interest in him and that he should not communicate with her, he
14 replied that he could not honor that request, and he wrote out a disturbing email to her. PLAINTIFF
15 communicated this fact and forwarded Mr. Dummar's emails to the employer. PLAINTIFF's acute
16 anxiety persisted, and her doctor ordered her to stay at home for three days, prescribing her medication.

17 Second, the employer informed PLAINTIFF that they would speak with Mr. Dummar about his
18 misconduct and take care of the problem while PLAINTIFF was on paid medical leave at home for
19 three days. However, they did not do so, and PLAINTIFF informed her employer that she did not feel
20 safe coming back to work until they had addressed this issue with Mr. Dummar, and until she had
21 obtained a protective order from the court that would order Mr. Dummar to keep away from her. After
22 delaying in this matter, the employer finally spoke with Mr. Dummar on the day he was served a
23 protective order at work. The protective order commanded Mr. Dummar to keep 100 feet away from
24 Plaintiff and to have no communication with her. The protective order was in effect during the
25 remainder of PLAINTIFF's employment at the treatment center.

26 Third, when PLAINTIFF returned to work, the employer made absurd excuses for Mr.
27 Dummar's misconduct and unjustly minimized the problem. The employer told PLAINTIFF that Mr.
28 Dummar did not pose any danger to PLAINTIFF because Mr. Dummar had cried to management, when

1 confessing his romantic love for PLAINTIFF. At that time, the employer knew a protective order was
2 in effect, as a court had concluded that Mr. Dummar presented an imminent danger to PLAINTIFF. If
3 the employer's response were not absurd enough, the employer next informed PLAINTIFF that Mr.
4 Dummar could not control himself around her because she was such a "beautiful woman." This
5 statement contradicted the employer's claim that he did not pose any danger to her. This statement also
6 amounted to sexual stereotyping that further victimized PLAINTIFF because of her sex.

7 Fourth, after PLAINTIFF returned to work, and continuing until Plaintiff's employment ended
8 about a month later, the employer continuously failed to take prompt, appropriate, and corrective action
9 to eliminate the resulting, hostile-work environment or to protect PLAINTIFF in the workplace. This
10 resulted in PLAINTIFF essentially being trapped in her office, as she could not enjoy full and free
11 movement and access to the entire office complex, to carry out her duties, for fear of encountering Mr.
12 Dummar somewhere at the worksite. Not only did the employer fail to protect PLAINTIFF from Mr.
13 Dummar in the workplace, but the employer also failed to offer reasonable assurances of that protection
14 in the workplace. Predictably, Mr. Dummar violated the protective order and repeatedly came near
15 PLAINTIFF at work, glaring at her in a menacing way. These conditions interfered with PLAINTIFF's
16 ability to perform her work and continued to cause PLAINTIFF to suffer acute anxiety and fear for her
17 safety in the workplace.

18 Fifth, the employer attempted to punish PLAINTIFF, not Mr. Dummar, by attempting to reduce
19 PLAINTIFF's work schedule, while increasing Mr. Dummar's work schedule.

20 Sixth, the employer also failed to reasonably accommodate PLAINTIFF's medical disability,
21 existing in the form of her acute anxiety arising from these incidents, for which she was medically
22 treated. Plaintiff was not paid for her time off from work while on her 3-day medical leave, as the
23 employer previously had promised that she would be. As well, Plaintiff was not provided her free
24 counseling sessions to treat her anxiety, that she requested and was entitled to receive as an employee
25 benefit.

26 With no improvement to her situation in sight, PLAINTIFF again protested such harassing and
27 discriminatory conduct, to no avail. In response, the employer informed PLAINTIFF that her situation
28 would not change unless PLAINTIFF made a change. PLAINTIFF reasonably understood that to mean

1 that PLAINTIFF would continue to be subjected to such unlawful terms and conditions of her
2 employment as long as she worked there. Accordingly, Plaintiff was forced by her employer to resign,
3 and she was constructively discharged on November 26, 2014.

4 The employer's unlawful, adverse, discriminatory actions taken against PLAINTIFF included:
5 (1) subjecting her to a hostile-work environment based on her sex and disability; (2) failing to
6 accommodate PLAINTIFF's disability arising from the sexual harassment of Mr. Dummar; (3)
7 retaliating against PLAINTIFF based on her protected conduct; (4) subjecting PLAINTIFF to unlawful
8 terms and conditions of employment; and (5) constructively discharging PLAINTIFF.

9 In her state-tort claims, PLAINTIFF further alleges that her supervisors, Defendants LANA
10 ROBARDS and DEBBIE RIDENOUR engaged in intentional and egregious conduct, when refusing to
11 protect PLAINTIFF in the workplace or offer reasonable assurances of the same, which resulted in
12 further acute anxiety to PLAINTIFF. Defendants' acts were extreme and outrageous and caused
13 Plaintiff to suffer severe emotional distress. PLAINTIFF also asserts that the employer and
14 ROBARDS engaged in culpable conduct when hiring, training, supervising, and retaining LANA
15 ROBARDS, and DEBBIE RIDENOUR, and Mr. Dummar, amounting to intentional or egregious
16 conduct and deliberate actions certain to result in PLAINTIFF's injuries. Defendants knew, or should
17 have known that David Dummar was not fit for his position, to be retained in his position, and to be in
18 close physical proximity to PLAINTIFF in the workplace. Defendants knew that Mr. Dummar had
19 dangerous propensities, the effect of which would foreseeably cause harm and further harm to
20 subordinate employees, including PLAINTIFF, which actually occurred.¹ The employer also knew that
21 Defendants LANA ROBARDS and DEBBIE RIDENOUR had failed to take prompt, appropriate, and
22 corrective action, for which it was negligent in supervising and retaining these two supervisors.

23
24
25 ¹ NRS 616A.020 provides that worker's compensation rights and remedies exclusively govern injuries
26 sustained by accident, arising out of and sustained in the course of employment. However, this statute
27 does not apply here because PLAINTIFF's injuries did not arise from a workplace "accident," and the
28 employer's conduct was intentional and/or egregious conduct.

1 PLAINTIFF further asserts that, after she was no longer employed by the treatment center, Defendants
2 LANA ROBARDS and DEBBIE RIDENOUR, made false-light-invasion-of-privacy statements to
3 other co-workers at the treatment center about the stalking incident and PLAINTIFF's relationship to
4 Mr. Dummar. This action seeks equitable relief, including declaratory relief, injunctive relief, "front
5 pay" and "back pay." This action also seeks compensatory and punitive damages.

6 II.

7 JURISDICTION AND VENUE

8 1. The federal claims of this case are maintained pursuant to 28 U.S.C. § 1331 ("[t]he
9 district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or
10 treaties of the United States"). In particular, this case asserts federal discrimination claims, actionable
11 under Title VII, codified at 42 U.S.C. § 2000e *et seq.* and the ADA/ADAAA, codified at 42 U.S.C. §
12 12101 *et seq.* This Court has supplemental jurisdiction over the state-law claims, pursuant to 28 U.S.C.
13 § 1367(a) ("the district courts shall have supplemental jurisdiction over all other claims that are so
14 related to claims in the action within such original jurisdiction that they form part of the same case or
15 controversy under Article III of the United States Constitution").

16 2. Venue is proper in the U.S. District Court situated in Reno, Nevada, under 28 U.S.C. §
17 1391(b) because: (a) some of the Defendants are residents of Northern Nevada, in or around Fallon,
18 Nevada, and venue is proper in a judicial district in which any defendant resides; and (b) a substantial
19 part of the events or omissions giving rise to the claims of this case occurred in Fallon, Nevada,
20 including at the New Frontier Treatment Center, situated in the City of Fallon, in the County of
21 Churchill, Nevada.

22 III.

23 PARTIES

24 3. At all relevant times herein, Plaintiff ALICIA DEPAULIS was a citizen of the state of
25 Nevada, residing in the County of Churchill, employed by NEW FRONTIER as an administrative
26 assistant, at the New Frontier Center, situated at 1490 Grimes Street, in Fallon, Nevada.

27 4. On information and belief, at all relevant times herein, Defendant CHURCHILL
28 COUNCIL ON ALCOHOL AND OTHER DRUGS, d.b.a. NEW FRONTIER TREATMENT CENTER

1 (“NEW FRONTIER”), was a domestic, non-profit corporation registered and authorized to do business
2 in the State of Nevada, and it was actually doing business in the state of Nevada, providing substance-
3 abuse-treatment services, and it was the employer of Plaintiff ALICIA DEPAULIS, Defendant LANA
4 ROBARDS, DEFENDANT DEBBIE RIDENOUR, and David Dummar.

5 5. On information and belief, at all relevant times herein, Defendant LANA ROBARDS
6 (“ROBARDS”) was a citizen of the state of Nevada, residing in the County of Churchill, who was
7 employed by NEW FRONTIER, as its executive director, and Defendant ROBARDS was a direct
8 supervisor to PLAINTIFF, at the New Frontier Treatment Center, situated at the New Frontier Center,
9 situated at 1490 Grimes Street, in Fallon, Nevada.

10 6. On information and belief, at all relevant times herein, Defendant DEBBIE RIDENOUR
11 (“RIDENOUR”) was a citizen of the state of Nevada, residing in the County of Churchill, who was
12 employed by NEW FRONTIER, and Defendant RIDENOUR was a direct supervisor to PLAINTIFF, at
13 the New Frontier Treatment Center, situated at the New Frontier Center, situated at 1490 Grimes Street,
14 in Fallon, Nevada.

15 7. The true names and capacities, of the Defendants sued herein as DOE BUSINESS
16 ENTITIES 1-10, inclusive, are unknown to PLAINTIFF, who sues those Defendants by such fictitious
17 names. PLAINTIFF alleges, on information and belief, that each of the Defendants sued herein as
18 DOE BUSINESS ENTITIES 1-10, inclusive, at all relevant times, performed acts, or were responsible
19 for performing acts, relating to business-operations and employment matters at New Frontier Treatment
20 Center, including: communications made by its employees and agents; the hiring, training, supervision,
21 retention, and disciplining of employees and agents at New Frontier Treatment Center; stalking
22 incidents and hostile-work-environment incidents; defamation and invasion-of-privacy incidents; and
23 the events occurring in the workplace environment and outside the workplace environment, as
24 described herein. PLAINTIFF alleges, on information and belief, that each of the Defendants sued
25 herein as DOE BUSINESS ENTITIES 1-10, inclusive, are responsible in some manner for the events
26 and injuries alleged herein. PLAINTIFF alleges, on information and belief, DOE BUSINESS
27 ENTITIES 1-10, inclusive, are, and at all times relevant hereto were, domestic or foreign business
28 entities of any kind, including but not limited to corporations, associations, partnerships, companies,

1 national associations, organizations, unions, non-profit organizations, and joint ventures, that were
2 qualified to do business in Nevada or held themselves out to the public to be qualified to do business in
3 Nevada, and actually did business as an entity in the State of Nevada, had a presence in Nevada or are
4 otherwise amenable to suit in Nevada under Nevada's "Long-Arm" statutes. PLAINTIFF will seek
5 leave of Court to amend this *Complaint* to state the true names and capacities of DOE BUSINESS
6 ENTITIES 1-10, inclusive, when they have been ascertained.

7 8. The true names and capacities, of the Defendants sued herein as DOE INDIVIDUALS
8 1-50, are unknown to PLAINTIFF, who sues those Defendants by such fictitious names. PLAINTIFF
9 alleges, on information and belief, that each of the Defendants sued herein as DOE INDIVIDUALS 1-
10 50, inclusive, at all relevant times, performed acts, or were responsible for performing acts, relating to
11 business-operations and employment matters at New Frontier Treatment Center, including:
12 communications made by its employees and agents; the hiring, training, supervision, retention, and
13 disciplining of employees and agents at New Frontier Treatment Center; stalking incidents and hostile-
14 work-environment incidents; defamation and invasion-of-privacy incidents, and the events occurring in
15 the workplace environment and outside the workplace environment, as described herein. PLAINTIFF
16 alleges, on information and belief, that each of the Defendants sued herein as DOE INDIVIDUALS 1-
17 50, inclusive, are responsible in some manner for the events and injuries alleged herein. PLAINTIFF
18 alleges, on information and belief, DOE INDIVIDUALS 1-50, inclusive, are, and at all times relevant
19 hereto were residents of the state of Nevada or had a presence in Nevada or are otherwise amenable to
20 suit in Nevada under Nevada's "Long-Arm" statutes. PLAINTIFF will seek leave of Court to amend
21 this *Complaint* to state the true names and capacities of such Defendants when they have been
22 ascertained.

23 9. On information and belief, at all relevant times herein, each Defendant was the
24 employer, supervisor, employee, and/or agent of the other, and some or all of Defendant's acts and
25 omissions occurred during the course and scope of such employment and agency, and such acts and
26 omissions were taken at the instruction of, at the request of, at the behest of, and/or for the benefit of
27 one or more of the other Defendants.

28 ///

IV.

GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

10. PLAINTIFF worked at the New Frontier Center from June 15, 2014 to November 26, 2014, as an administrative assistant. During her employment at the New Frontier Center, PLAINTIFF's duties required that she work throughout the treatment center's entire building-complex/worksites, not merely in her office.

11. On or about August 1, 2014, Mr. Dummar was hired at the treatment center, and he immediately expressed to PLAINTIFF an interest in having a romantic relationship with her. PLAINTIFF refused and rebuffed that advance, which communicated to him that she was not interested in having a romantic relationship with him. PLAINTIFF informed the management at the treatment center of this fact, and they were on notice of this matter at that time. The management team responded inappropriately by laughing about the matter.

12. On or about October 15, 2014, Mr. Dummar learned that PLAINTIFF's relationship with her boyfriend had ended, and he then again expressed his desire to have a romantic relationship with PLAINTIFF. Again, PLAINTIFF refused and rebuffed that advance. Thereafter, Mr. Dummar repeatedly attempted to perpetrate ruses to come over to PLAINTIFF's house, but PLAINTIFF repeatedly rebuffed and refused those advances.

13. On or about Thursday, October 23, 2014 at 1:00 a.m., Mr. Dummar stalked PLAINTIFF at her home. PLAINTIFF was initially asleep, and while she slept, Mr. Dummar sent PLAINTIFF approximately ten text messages and seven phone calls. PLAINTIFF was awakened by the ringing of her home's doorbell many times by Mr. Dummar, his loud banging on her windows, and his screaming her name. At the time, PLAINTIFF was a single woman having no other adult in the home, and she was with her young foster children. PLAINTIFF would not let David Dummar in her home, and she feared for her safety and the safety of her children. Mr. Dummar eventually fled the scene, but the incident caused PLAINTIFF to become sick to her stomach, and she suffered resulting sleepless nights and acute anxiety in the aftermath of that stalking incident.

14. Mr. Dummar's actions in coming to PLAINTIFF's home that night were motivated by his desire to pursue a romantic relationship with PLAINTIFF, because of her sex.

1 15. Later that day, Thursday, October 23, 2014, PLAINTIFF sent an email to Mr. Dummar,
2 asking him to explain that stalking incident. Mr. Dummar responded in a series of bizarre emails,
3 which further demonstrated to PLAINTIFF that Defendant had an obsessive, romantic interest in her,
4 about which she was very uncomfortable.

5 16. That same day, October 23, 2014, PLAINTIFF informed Defendant RIDENOUR about
6 the stalking incident and expressed that she did not feel safe or comfortable in the workplace with Mr.
7 Dummar. PLAINTIFF's work duties were not confined to a separate area away from where Mr.
8 Dummar worked or could be expected to work, at any given time. Defendant RIDENOUR responded
9 by telling PLAINTIFF that Mr. Dummar's behaviors were completely inexcusable and inappropriate,
10 and that Defendant RIDENOUR was going to tell the Defendant ROBARDS about the matter.

11 17. Subsequently, Defendant RIDENOUR contacted PLAINTIFF, informing her that
12 Defendant ROBARDS did not want to speak to PLAINTIFF, but would speak to Mr. Dummar, instead.
13 PLAINTIFF then informed Defendant RIDENOUR that Mr. Dummar's employee file was incomplete,
14 which she learned during the course of her job duties when auditing employee files to ensure regulatory
15 compliance. More specifically, PLAINTIFF advised Defendant RIDENOUR that Mr. Dummar had not
16 completed his workplace harassment training yet, and the employer did not have a current MFT license
17 on file, among other missing items for him. PLAINTIFF advised Defendant RIDENOUR that she was
18 not comfortable scheduling a time with Mr. Dummar to complete his missing trainings. Defendant
19 RIDENOUR directed PLAINTIFF to email Mr. Dummar, to specifically tell him that she was not
20 romantically interested in him and not to contact PLAINTIFF, but to go to Defendant RIDENOUR
21 directly if he needed anything. PLAINTIFF questioned the propriety of that instruction, by telling
22 Defendant RIDENOUR that she was not comfortable communicating with Mr. Dummar about any
23 matter whatsoever. She had previously rebuffed his sexual advances, to no avail. Nevertheless,
24 PLAINTIFF was forced to communicate with Mr. Dummar, as ordered by Defendant RIDENOUR.

25 18. Accordingly, on Saturday, October 25, 2014, PLAINTIFF sent an email to Mr. Dummar
26 again informing him that she had no romantic interest in him, and that she was not comfortable
27 maintaining their professional relationship. PLAINTIFF further requested that Mr. Dummar not speak
28 to her at the treatment center, and that if he needed anything or had a question or concern related to

1 work, to please contact Defendants ROBARDS or RIDENOUR. PLAINTIFF emphasized, “under no
2 circumstance, do I want you speaking to me,” adding “do not call me, text, or email me anymore. I
3 want no further communication with you.”

4 19. On Sunday, October 26, 2014 at 3:11 a.m., Mr. Dummar sent PLAINTIFF an email,
5 wherein he offered additional bizarre explanations about his feelings and conduct toward her.

6 20. On Monday, October 27, 2014, PLAINTIFF informed Defendant RIDENOUR that she
7 was feeling ill and would not be coming to work that day. PLAINTIFF further explained that Mr.
8 Dummar told her he would not comply with her request to not communicate with her and that he
9 provided a lengthy, disturbing email to her. PLAINTIFF also informed Defendant RIDENOUR that
10 Plaintiff intended to file a police report against Mr. Dummar. PLAINTIFF informed Defendant
11 RIDENOUR of her acute anxiety regarding Mr. Dummar.

12 21. Later that day, October 27, 2014, Defendant RIDENOUR requested that PLAINTIFF
13 send to Defendant RIDENOUR the emails that Mr. Dummar previously sent to PLAINTIFF.
14 PLAINTIFF complied with that request and sent the emails to Defendant RIDENOUR.

15 22. Later that day, October 27, 2014, PLAINTIFF informed Defendant RIDENOUR that
16 PLAINTIFF saw her doctor that day, and that PLAINTIFF’s doctor medically ordered PLAINTIFF to
17 stay home for three days, and he gave PLAINTIFF a prescription for medication to help her with her
18 acute anxiety attacks resulting from these events.

19 23. Defendants RIDENOUR and ROBARDS agreed that PLAINTIFF should take three
20 days off from work for medical reasons, and during that time, they would communicate with Mr.
21 Dummar concerning his inappropriate conduct and they would otherwise take care of the problem.

22 24. Mr. Dummar was present at work for two of those three days, when PLAINTIFF was
23 away from work. However, neither Defendants RIDENOUR nor ROBARDS followed through on this
24 matter, nor did they address this issue with Mr. Dummar during that time.

25 25. Before she was scheduled to return to work, PLAINTIFF learned that Defendants
26 RIDENOUR and ROBARDS had not yet spoken to Mr. Dummar about his inappropriate conduct.
27 Accordingly, PLAINTIFF informed Defendants RIDNENOUR and ROBARDS that she was too fearful
28 to return to work without Mr. Dummar having been spoken to by Defendants RIDENOUR and

1 ROBARD, and without having a protection order issued by the court.

2 26. PLAINTIFF subsequently obtained a Temporary Protection Order (“TPO”) from the
3 Court, which ordered Mr. Dummar to keep 100 feet away from PLAINTIFF and not to communicate
4 with her. The TPO was served on Mr. Dummar at the treatment center. This TPO was subsequently
5 extended by the Court, and it was in effect throughout Plaintiff’s remaining tenure at the treatment
6 center. At all times relevant herein, Defendant NEW FRONTIER’s management team was aware of
7 the requirements of the TPO.

8 27. On information and belief, Defendants RIDNENOUR and ROBARDS failed to confront
9 Mr. Dummar about his misconduct until the day he was served the TPO. This delay underscored their
10 lackadaisical attitude and evidenced a deliberate indifference to PLAINTIFF’s rights and safety.

11 28. Plaintiff subsequently returned to work, and Defendant RIDENOUR informed
12 PLAINTIFF that they had a “good talk” with Mr. Dummar. However, such an action did not constitute
13 prompt, appropriate, or corrective action. Indeed, Defendant NEW FRONTIER’s management acted as
14 apologists for Mr. Dummar, informing PLAINTIFF that Mr. Dummar was not a threat or danger to
15 PLAINTIFF because he had cried to management and confessed his romantic love for PLAINTIFF. At
16 that time, the employer knew a protective order was in effect, as a court had concluded that Mr.
17 Dummar presented an imminent danger to PLAINTIFF. If the Defendant RIDENOUR’s response were
18 not absurd enough, she next informed PLAINTIFF that Mr. Dummar could not control himself around
19 her because she was such a “beautiful woman.” This statement contradicted Defendant RIDENOUR’s
20 claim that he did not pose any danger to her. This statement also amounted to sexual stereotyping that
21 further victimized PLAINTIFF because of her sex. This statement also confirmed that Mr. Dummar
22 was motivated to act as he did because of PLAINTIFF’s sex. This statement underscored Defendant
23 NEW FRONTIER’s deliberate indifference to PLAINTIFF’s rights and safety.

24 29. On the following day, Tuesday October 28, 2014, PLAINTIFF requested that Defendant
25 RIDENOUR issue a company authorization-referral for a therapist-counseling session to treat
26 PLAINTIFF’s resulting anxiety. In this regard, NEW FRONTIER employees are entitled to receive
27 three such counseling sessions, free of charge, as part of their employee benefits. Later that day,
28 PLAINTIFF requested that Defendant RIDNEOUR provide PLAINTIFF with an authorization-referral

1 to see a different doctor because the first doctor had a conflict of interest and could not see
2 PLAINTIFF. No such authorization-referral was ever made by Defendant NEW FRONTIER, even
3 though PLAINTIFF asked two or three more times for such an authorization-referral.

4 30. A hostile work environment resulted from the acts and omissions of Defendants and Mr.
5 Dummar. PLAINTIFF was essentially trapped in her office, as she could not enjoy full and free
6 movement and access to the entire office complex, to carry out her duties, for fear of encountering Mr.
7 Dummar somewhere at the worksite. Not only did the Defendants fail to protect PLAINTIFF from Mr.
8 Dummar in the workplace, but they also failed to offer reasonable assurances of that protection in the
9 workplace. Predictably, Mr. Dummar violated the protective order and repeatedly came near
10 PLAINTIFF at work, glaring at her in a menacing way. These conditions interfered with PLAINTIFF's
11 ability to perform her work and continued to cause PLAINTIFF to suffer acute anxiety and fear for her
12 safety in the workplace.

13 31. This hostile work environment, based on PLAINTIFF's sex existed for many reasons,
14 including because PLAINTIFF was forced to fear for her safety, and she was forced to endure great
15 discomfort and anxiety in the presence of Mr. Dummar, especially when he glared at PLAINTIFF. The
16 work environment was also hostile because Defendant NEW FRONTIER's management signaled its
17 unwillingness to take prompt, appropriate, and corrective action, which made PLAINTIFF feel like she
18 was a trapped victim who was being wrongfully punished or blamed. The work environment was also
19 hostile because PLAINTIFF was excluded from normal company and operations at work, and she no
20 longer had freedom of movement throughout the office environment. The work environment was
21 hostile because PLAINTIFF could not trust that Defendant NEW FRONTIER's management had her
22 employment interests or safety in mind. The work environment was hostile because PLAINTIFF was
23 constantly in fear that Mr. Dummar may appear in her presence at any time in the office because he was
24 allowed to do so by Defendant NEW FRONTIER's management—whether he was scheduled to work
25 or not. In this regard, on information and belief, Defendant NEW FRONTIER's management failed to
26 timely and properly notify its key personnel of the court's TPO that was in effect to protect PLAINTIFF
27 from Mr. Dummar, enabling the TPO to be violated by Mr. Dummar, who appeared to not think twice
28 about being in PLAINTIFF's presence at work.

1 32. On information and belief, Defendant NEW FRONTIER failed to use reasonable efforts
2 to give effect to the requirements of the TPO, in the workplace. Mr. Dummar was allowed to freely
3 roam throughout the workplace, notwithstanding the TPO, and he was allowed to freely walk by
4 PLAINTIFF's office, which he did, glaring at her through her office window.

5 33. On information and belief, Defendant NEW FRONTIER's management team's failures
6 to raise a proper alert among staff members for PLAINTIFF's safety further underscored Defendant
7 NEW FRONTIER's fundamental, deliberate indifference to PLAINTIFF's rights and safety.

8 34. On information and belief, on Saturday, November 8, 2014, a non-scheduled work day
9 for Mr. Dummar, Mr. Dummar was reportedly seen in the office working that day. Had PLAINTIFF
10 worked that day, to avoid Mr. Dummar's normally-scheduled working hours, she likely would have
11 been subjected to his personal presence. PLAINTIFF feared his presence on any day of the week.

12 35. On Wednesday, November 12, 2014, a scheduled workday for Mr. Dummar, Mr.
13 Dummar violated the TPO, and PLAINTIFF saw him pace back and forth near her office, and she saw
14 him glaring at her that day, through her office window, which was quite unnerving.

15 36. Defendants took further punitive and harassing action against PLAINTIFF, when they
16 attempted to reduce PLAINTIFF's work schedule, while increasing Mr. Dummar's work schedule.

17 37. Defendants took further punitive and harassing action against PLAINTIFF, when they
18 failed to reasonably accommodate PLAINTIFF's medical disability, existing in the form of her acute
19 anxiety arising from these incidents, for which she was medically treated. Plaintiff was not paid for her
20 time off from work while on her 3-day medical leave, as the employer previously had promised that she
21 would be. As well, Plaintiff was not provided her free counseling sessions to treat her anxiety, that she
22 requested and was entitled to receive as an employee benefit.

23 38. With no improvement to her situation in sight, PLAINTIFF again protested such
24 harassing and discriminatory conduct, to no avail. Specifically, on Friday, November 14, 2014,
25 PLAINTIFF wrote an email to Defendant RIDENOUR setting forth the following complaints relating
26 to the ongoing, adverse, discriminatory actions taken against her and relating to the hostile work
27 environment that she was being forced to endure:

28 (A) PLAINTIFF complained that she had still not received the referral-authorization

1 for the counseling services she requested some time ago, for her acute anxiety;

2 (B) PLAINTIFF complained that she could not understand why some members of
3 the treatment center management team had not been made aware of the TPO and the no-contact order
4 against Mr. Dummar, thereby allowing PLAINTIFF to be further exposed to potential danger;

5 (C) PLAINTIFF complained of no longer being allowed to freely move about the
6 office site, as she was previously allowed to do, prior to the stalking incident;

7 (D) PLAINTIFF complained that she felt as if she were in danger because of Mr.
8 Dummar's uncontrolled presence in the workplace;

9 (E) PLAINTIFF complained that Defendants RIDENOUR and ROBARD's inaction
10 was inappropriate, as they concluded that Mr. Dummar was not a threat or danger to PLAINTIFF
11 because he was crying and seemed remorseful of his actions, while they failed to properly consider
12 PLAINTIFF's feelings, given that she was the stalking victim;

13 (F) PLAINTIFF complained that she felt as if she were being victimized all over
14 again while working at the treatment center, as she did not have normal freedom of movement in the
15 workplace, as she did prior to the incident;

16 (G) PLAINTIFF complained that, she was bound to run into Mr. Dummar, as she did
17 two days previously on Wednesday, when he saw her, and went up and down the stairs three times in a
18 5-minute period, and when he passed with 3 different clients back and forth in front of her office,
19 staring at PLAINTIFF through her window;

20 (H) PLAINTIFF complained that Defendant RIDENOUR was inappropriately
21 seeking to reduce Plaintiff's work schedule, while at the same time increasing Mr. Dummar's working
22 schedule;

23 (I) PLAINTIFF complained that Mr. Dummar was reported to have worked on an
24 unscheduled day, the previous Saturday;

25 (J) PLAINTIFF complained that Defendant RIDENOUR was forcing her to take
26 unpaid leave for the time she took off for counseling arising from the incidents, when such time should
27 have been paid leave;

28 (K) PLAINTIFF requested that Mr. Dummar not work in the same building any

1 more, to avoid creating a very uncomfortable work environment for her;

2 (L) PLAINTIFF complained that she was tired of being repeatedly victimized, when
3 the treatment center should be protecting her from harassment, not creating an even more hostile work
4 environment for her, as it was doing; and

5 (M) PLAINTIFF complained that the matter had to be resolved, as the problems were
6 adversely affecting her work performance and attendance.

7 39. Later that evening, on Friday, November 14, 2014, Defendant ROBARDS responded to
8 PLAINTIFF's email, signaling Defendant NEW FRONTIER's further refusal to take prompt,
9 appropriate, and corrective action. In particular, Defendant ROBARDS stated, "Remember Alicia you
10 were both working at new frontier when this was brought into the workplace," adding "This is not a
11 situation your employer created." Defendant ROBARDS concluded the message by saying, "But I do
12 not see either of your jobs changing unless you choose to make a change," which PLAINTIFF
13 reasonably took to mean that PLAINTIFF would continue to be subjected to these unlawful terms and
14 conditions of her employment as long as she worked there.

15 40. Based on the foregoing, the working conditions at NEW FRONTIER's treatment center
16 were and remained so intolerable that a reasonable person in PLAINTIFF's position would have felt
17 compelled to resign.

18 41. Based on the foregoing, the retaliating employer, NEW FRONTIER created working
19 conditions so extraordinary and egregious, so as to overcome the normal motivation of a competent,
20 diligent, and reasonable employee, including PLAINTIFF, to remain on the job.

21 42. Accordingly, PLAINTIFF was constructively discharged from her employment at NEW
22 FRONTIER's treatment center on November 26, 2014.

23 43. On information and belief, after PLAINTIFF was no longer employed by Defendant
24 NEW FRONTIER, Defendant RIDENOUR told other treatment center employees that PLAINTIFF had
25 faked or pretended to have anxiety attacks, when she really did not. Such statements were false.

26 44. On information and belief, after Plaintiff was no longer employed by Defendant NEW
27 FRONTIER, Defendant RIDENOUR told other treatment center employees that PLAINTIFF was
28 exaggerating what happened regarding the stalking incident and that PLAINTIFF was in a romantic

1 relationship with Mr. Dummar, but that relationship had gone bad. Such statements were false.

2 45. At all relevant times herein, PLAINTIFF's acute anxiety described herein was a disorder
3 and disability covered by, and within the meaning of, the ADA/ADAAA, codified at 42 U.S.C. § 12102
4 *et seq.*, including because it manifested in and constituted mental and physical impairments, including
5 by causing PLAINTIFF to suffer panic attacks, and also by substantially limiting one or more of
6 PLAINTIFF's major life activities, including, sleeping, thinking, breathing, and working, and this
7 impairment also substantially limited a major bodily function of PLAINTIFF, including her stomach
8 and shaking body, and for which disabilities, PLAINTIFF was receiving and/or had received medical
9 treatment and care, including medication and time off from work.

10 46. At all relevant times herein, PLAINTIFF's acute anxiety constituted mental disabilities
11 and physical disabilities alleged herein (collectively, "Disabilities"), and they were covered by, and
12 within the meaning of, the ADA/ADAAA codified at 42 U.S.C. § 12102 *et seq.*, including for the
13 reason that PLAINTIFF had a record of a having such mental and physical impairments that
14 substantially limited one or more of her major life activities, as described herein.

15 47. At all relevant times herein, PLAINTIFF's Disabilities were covered by, and within the
16 meaning of, the ADA/ADAAA codified at 42 U.S.C. § 12102 *et seq.*, including for the reason that
17 PLAINTIFF was regarded by Defendants herein, including their agents and employees, as having
18 mental and/or physical impairments (whether actual or perceived) that substantially limited one or more
19 of her major life activities, as described herein.

20 48. On information and belief, at all relevant times herein, Defendants, and each of them,
21 including their agents and employees:

- 22 (a) were aware of PLAINTIFF's Disabilities;
- 23 (b) were aware that PLAINTIFF had a record of such Disabilities; and/or
- 24 (c) regarded her as having mental and/or physical impairments, including but not
25 limited to her Disabilities, that substantially limited one or more of her major life
26 activities, as described herein.

27 49. PLAINTIFF is a female, and at all relevant times herein, on information and belief,
28 Defendants' conduct toward PLAINTIFF, described herein, was motivated by PLAINTIFF's sex and

1 constituted sexual harassment.

2 50. On information and belief, at all times relevant herein, Defendants RIDENOUR and
3 ROBARDS acquiesced in, adopted, and ratified Mr. Dummar's conduct toward PLAINTIFF, described
4 herein and motivated by her sex, because of Plaintiff's sex, including when concluding that Mr.
5 Dummar should be given leniency because he cried to them when confessing his romantic love for
6 PLAINTIFF and because PLAINTIFF was an attractive woman, which also constituted unlawful sexual
7 stereotyping of PLAINTIFF, further victimizing her.

8 51. At all times relevant herein, Defendants, and each of them, knew, or reasonably should
9 have known, about Mr. Dummar's repeated, unwanted, inappropriate, and harassing conduct toward
10 PLAINTIFF, but they failed to take prompt, appropriate, and corrective action, which was unlawfully
11 discriminatory and harassing to PLAINTIFF.

12 52. PLAINTIFF timely submitted, or caused to be submitted, a charge of discrimination and
13 retaliation with the Nevada Equal Rights Commission (NERC) (Charge No. 0908-15-0124R) and with
14 the Equal Employment Opportunity Commission ("EEOC") (Charge No. 34B-2015-00921).

15 53. On November 17, 2016, NERC closed PLAINTIFF's case, Charge No. 0908-15-0124R.

16 54. On November 18, 2016, PLAINTIFF received a "right-to-sue letter" that was issued by
17 the EEOC for Charge No. 34B-2015-00921, pursuant to 42 U.S.C. § 2000e-5(f), and PLAINTIFF filed
18 the instant suit within ninety (90) days of the issuance of that "right-to-sue letter."

19 ***FEDERAL CLAIMS***

20 **V.**

21 **FIRST CLAIM FOR RELIEF**

22 **UNLAWFUL DISCRIMINATION AND RETALIATION**
23 **BASED ON GENDER**

(TITLE VII - 42 U.S.C. § 2000e et seq.)

24 **(Asserted against NEW FRONTIER and DOE BUSINESS ENTITIES 1-10)**

25 55. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
26 fully set forth herein.

27 56. At all relevant times herein, Defendants NEW FRONTIER and DOE BUSINESS
28 ENTITIES 1-10 (including through their employees and agents), and each of them, engaged in adverse

1 employment action against PLAINTIFF and the terms and conditions of her employment, including by
2 their acts and omissions constituting unlawful discrimination and harassment of PLAINTIFF because
3 of her sex, creating a hostile-work environment for PLAINTIFF because of her sex, imposing tangible-
4 job detriments on PLAINTIFF because of her sex, and constructively discharging PLAINTIFF because
5 of her sex, as alleged herein, subjecting Defendants NEW FRONTIER and DOE BUSINESS
6 ENTITIES 1-10 to liability under 42 U.S.C. § 2000e-2 *et seq.*

7 57. At all relevant times herein, PLAINTIFF was subjected to repeated verbal comments,
8 intimidation, stalking, glaring, and other verbal and physical conduct of a sexual nature, including
9 violations of the TPO and imminent threats of such repeated conduct in the future, as alleged herein
10 because of her sex, and such conduct was unwelcome, sufficiently severe or pervasive to alter the
11 conditions of PLAINTIFF's employment and create a sexually abusive or hostile work environment,
12 and PLAINTIFF perceived the working environment to be abusive or hostile; and a reasonable person
13 in PLAINTIFF's circumstances would consider the working environment to be abusive or hostile.

14 58. At all relevant times herein, PLAINTIFF was subjected to the adverse actions alleged
15 herein, by Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through
16 their employees and agents), and each of them because of her gender, and/or PLAINTIFF's gender was
17 a motivating factor in the decisions of Defendant NEW FRONTIER and DOE BUSINESS ENTITIES
18 1-10 (including through their employees and agents), and each of them, to take the adverse employment
19 actions against PLAINTIFF, as alleged herein, including those adverse actions occurring as a result of
20 the gender-stereotyping of PLAINTIFF, as alleged herein.

21 59. At all relevant times herein, PLAINTIFF engaged in an activity protected under federal
22 law—including PLAINTIFF's opposition to, and complaining to her employer's supervisors and
23 human-resources personnel, of practices by Defendants, and each of them, believed to be unlawful
24 discrimination, as alleged herein—and Defendants NEW FRONTIER and DOE BUSINESS ENTITIES
25 1-10 (including through their employees and agents), and each of them, subjected PLAINTIFF to the
26 adverse employment actions described herein, and PLAINTIFF was so subjected to such adverse
27 employment action because of her participation in such protected activity.

28 60. At all relevant times herein, PLAINTIFF suffered one or more tangible job

1 detriments/tangible employment actions, as a result of the unlawful discrimination and retaliation
2 alleged herein, including as a result of not being paid for taking 3 days off from work when she was
3 told she would be paid for that time off from work, and when PLAINTIFF was constructively
4 discharged, in a manner and amount to be proven at trial.

5 61. On information and belief, as a result of the unlawful, discriminatory, and retaliatory
6 conduct by Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through
7 their employees and agents), and each of them, PLAINTIFF has suffered, and continues to suffer,
8 physical and emotional harm, including mental anguish, inconvenience, and the loss of enjoyment of
9 life, for which she is entitled to compensatory damages, in an amount to be proven at trial.

10 62. On information and belief, the unlawful, discriminatory, and retaliatory conduct by
11 Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their
12 employees and agents), and each of them, as alleged herein, was malicious and reckless, warranting an
13 award of punitive damages, to punish Defendants NEW FRONTIER and DOE BUSINESS ENTITIES
14 1-10, in an amount determined by a jury at trial, according to law.

15 63. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
16 FRONTIER and DOE BUSINESS ENTITIES 1-10, and each of them, PLAINTIFF has had to retain
17 the services of attorneys in this matter, and she therefore is entitled to, and seeks reimbursement for, her
18 attorneys' fees and costs, her expert-witness fees, and court costs, in an amount to be proven at trial.

19 64. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
20 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
21 and each of them, PLAINTIFF is entitled to, and seeks, declaratory relief, in the form of a declaration
22 by this Court, that Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10, and each of
23 them, violated PLAINTIFF's rights by engaging in unlawful discrimination and retaliation, as alleged
24 herein.

25 65. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
26 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
27 and each of them, PLAINTIFF is entitled to, and seeks, injunctive relief, in the form of an injunction
28 issued by this Court, that compels Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-

10, and each of them, to give effect to the rights of PLAINTIFF, and to take other appropriate action, based upon evidence produced at trial.

VI.

SECOND CLAIM FOR RELIEF

UNLAWFUL DISCRIMINATION AND RETALIATION BASED ON DISABILITY (AMERICANS WITH DISABILITIES ACT and AMENDMENT ACT - 42 U.S.C. § 12101 *et seq.*) (Asserted against NEW FRONTIER and DOE BUSINESS ENTITIES 1-10)

66. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

67. At all relevant times herein, Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents), and each of them, engaged in adverse employment action against PLAINTIFF and the terms and conditions of her employment because of her Disabilities, including by their acts and omissions constituting harassment to PLAINTIFF, creating a hostile-work environment for PLAINTIFF, imposing tangible-job detriments on PLAINTIFF, engaging in disparate treatment of PLAINTIFF regarding her employee benefits as compared to other similarly-situated employees, including when failing to provide her with a referral-authorization for three free therapy sessions, as she was entitled to receive as part of her job benefits, and constructively discharging PLAINTIFF, described herein subjecting Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 to liability under 42 U.S.C. § 12101 *et seq.*

68. At all times relevant herein, Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents), and each of them, failed to reasonably accommodate PLAINTIFF's Disabilities, including her acute-anxiety disorder, including: (a) when failing to take prompt, appropriate, and corrective action with respect to Mr. Dummar's inappropriate conduct, including by providing a proper restructuring the conditions of the workplace, so as to enable Plaintiff to work freely and safely at the work site and to perform the essential functions of her job, without coming into contact, or having anxiety of coming into contact, with defendant DUMMAR; and (b) when failing to provide PLAINTIFF with a referral-authorization for three free therapy sessions, as she was entitled to receive as part of her job benefits.

1 69. At all relevant times herein, PLAINTIFF was subjected to the adverse actions alleged
2 herein, by Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through
3 their employees and agents), and each of them because of her Disabilities, and/or PLAINTIFF's
4 Disabilities were a motivating factor in the decisions of Defendant NEW FRONTIER and DOE
5 BUSINESS ENTITIES 1-10 (including through their employees and agents), and each of them, to take
6 the adverse employment actions against PLAINTIFF, as alleged herein.

7 70. At all relevant times herein, PLAINTIFF engaged in an activity protected under federal
8 law, including: (a) when requesting reasonable accommodations for her Disabilities, including her
9 acute-anxiety, as described herein, which requests were denied; and (b) when complaining to her
10 employer's supervisors and human-resources personnel, of practices by Defendants, and each of them,
11 believed to be unlawful discrimination as alleged herein and relating to PLAINTIFF'S Disabilities—
12 and Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their
13 employees and agents), and each of them, subjected PLAINTIFF to the adverse employment actions
14 described herein, and PLAINTIFF was so subjected to such adverse employment action because of his
15 participation in such protected activity.

16 71. At all relevant times herein, PLAINTIFF suffered one or more tangible job
17 detriments/tangible employment actions, as a result of the unlawful discrimination and retaliation
18 alleged herein, including as a result of not being paid for taking 3 days off from work for her medical
19 leave, when she was told she would be paid for that time off from work, and when PLAINTIFF was
20 constructively discharged, in a manner and amount to be proven at trial.

21 72. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
22 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
23 and each of them, PLAINTIFF has suffered, and continues to suffer, physical and emotional harm,
24 including mental anguish, inconvenience, and the loss of enjoyment of life, for which she is entitled to
25 compensatory damages, in an amount to be proven at trial.

26 73. On information and belief, the unlawful, discriminatory, and retaliatory conduct by
27 Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their
28 employees and agents), and each of them, as alleged herein, was malicious and reckless, warranting an

1 award of punitive damages, to punish Defendants NEW FRONTIER and DOE BUSINESS ENTITIES
2 1-10, in an amount determined by a jury at trial, according to law.

3 74. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
4 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
5 and each of them, PLAINTIFF has had to retain the services of attorneys in this matter, and he
6 therefore is entitled to, and seeks reimbursement for, her attorneys' fees and costs, her expert-witness
7 fees, and court costs, in an amount to be proven at trial.

8 75. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
9 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
10 and each of them, PLAINTIFF is entitled to, and seeks, declaratory relief, in the form of a declaration
11 by this Court, that Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10, and each of
12 them, violated PLAINTIFF's rights by engaging in unlawful discrimination and retaliation, as alleged
13 herein.

14 76. As a result of the unlawful, discriminatory, and retaliatory conduct by Defendants NEW
15 FRONTIER and DOE BUSINESS ENTITIES 1-10 (including through their employees and agents),
16 and each of them, PLAINTIFF is entitled to, and seeks, injunctive relief, in the form of an injunction
17 issued by this Court, that compels Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-
18 10, and each of them, to give effect to the rights of PLAINTIFF, and to take other appropriate action,
19 based upon evidence produced at trial.

20 ***STATE CLAIMS***

21 **VII.**

22 **THIRD CLAIM FOR RELIEF**

23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 **(Asserted against Defendants ROBARDS and RIDENOUR)**

25 77. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
26 fully set forth herein.

27 78. On information and belief, Defendants ROBARDS and RIDENOUR engaged in conduct
28 described herein—including their failure to protect the safety and wellbeing of PLAINTIFF in the

1 workplace from an employee against whom PLAINTIFF had a protective order, and to offer assurances
2 of the same—that was extreme or outrageous with either the intention of, or reckless disregard for,
3 causing emotional distress to PLAINTIFF.

4 79. Defendant ROBARDS and RIDENOUR's extreme and outrageous conduct, described
5 herein, was outside all possible bounds of decency and is regarded as utterly intolerable in a civilized
6 community.

7 80. PLAINTIFF suffered severe or extreme emotional distress as the actual and proximate
8 result of Defendant ROBARDS and RIDENOUR's conduct.

9 81. On information and belief, the extreme and outrageous conduct of Defendant
10 ROBARDS and RIDENOUR, described herein, was intentional, malicious, wilful, oppressive, and
11 done with a depraved heart and a reckless disregard of PLAINTIFF's rights, health, safety, and mental
12 wellbeing, proximately causing injuries, damages, physical harm, and emotional harm to PLAINTIFF.

13 82. On information and belief, as a direct and proximate result of the intentional,
14 malicious, wilful, oppressive, depraved, and reckless conduct of Defendant ROBARDS and
15 RIDENOUR, described herein, PLAINTIFF has suffered damages, including for physical and mental
16 injuries and harm, some of which will require future medical evaluation and treatment.

17 83. On information and belief, as a direct and proximate result of the intentional,
18 malicious, wilful, oppressive, depraved, and reckless conduct of Defendant ROBARDS and
19 RIDENOUR, described herein, PLAINTIFF has sustained damages in the form of great pain, suffering
20 and anxiety, as well as emotional distress, permanent injury, and disability, in an amount to be proven
21 at trial.

22 84. On information and belief, as a direct and proximate result of the intentional,
23 malicious, wilful, oppressive, depraved, and reckless conduct of Defendant ROBARDS and
24 RIDENOUR, described herein, PLAINTIFF has incurred, and will continue to incur in the future,
25 medical expenses, the full nature and extent of which are not presently known, in an amount to be
26 proven at trial.

27 85. On information and belief: as a direct and proximate result of the intentional, malicious,
28 wilful, oppressive, depraved, and reckless conduct of Defendant ROBARDS and RIDENOUR,

described herein, described herein, PLAINTIFF is entitled to an award of punitive or exemplary damages, including for, but not limited to, the reasons that:

(a) Defendant ROBARDS and RIDENOUR acted with malice, express or implied, and he engaged in conduct which was intended to injure a PLAINTIFF; and/or

(b) Defendant ROBARDS and RIDENOUR engaged in despicable conduct, with a conscious disregard of the rights or safety of PLAINTIFF, knowing the probable harmful consequences of his wrongful acts and having a willful and deliberate failure to act to avoid those consequences.

86. Defendant ROBARDS and RIDENOUR, described herein, as a direct and proximate result of the intentional, malicious, wilful, oppressive, depraved, and reckless conduct of Defendant ROBARDS and RIDENOUR, described herein, PLAINTIFF has had to retain the services of attorneys in this matter, and she therefore, seeks reimbursement for her attorneys' fees and costs.

VIII.

FOURTH CLAIM FOR RELIEF

FALSE-LIGHT INVASION OF PRIVACY

(Asserted against Defendant Ridenour)

87. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

88. On information and belief: after PLAINTIFF left the employ of NEW FRONTIER, Defendants LOBARDS and RIDENOUR, through their acts, omissions, and communications, caused, allowed, and/or acquiesced in false statements, false innuendos, and/or false rumors to be publicized to third parties, including to co-workers at New Frontier Treatment Center—such false statements, false innuendos, and/or false rumors being that: (a) PLAINTIFF had faked suffering anxiety attacks, when she really did not, as described herein, and (b) PLAINTIFF had a romantic relationship with Mr. Dummar, which relationship went bad.

89. On information and belief, such statements, innuendos, and rumors were false, and in fact, PLAINTIFF did not fake suffering anxiety attacks, and she did not have a romantic relationship with Mr. Dummar.

90. Accordingly, on information and belief, Defendants LOBARDS and RIDENOUR, gave

1 publicity to a matter concerning PLAINTIFF that placed PLAINTIFF before the public in a false light.

2 91. Such a false light in which the other was placed would be highly offensive to a
3 reasonable person, including a person in PLAINTIFF's position and under the circumstances, described
4 herein.

5 92. On information and belief, at all relevant times herein, Defendants LOBARDS and
6 RIDENOUR had knowledge of, or acted in reckless disregard as to the falsity of, the publicized matter
7 and the false light in which PLAINTIFF would be placed.

8 93. On information and belief, the culpable conduct of Defendants LOBARDS and
9 RIDENOUR, alleged herein, was intentional, malicious, wilful, oppressive, and done with a depraved
10 heart and a reckless disregard of PLAINTIFF's privacy, sensibilities, rights, health, safety, and mental
11 wellbeing, proximately causing mental anguish and emotional harm to PLAINTIFF.

12 94. On information and belief, as a direct and proximate result of the culpable conduct of
13 Defendants LOBARDS and RIDENOUR, described herein, PLAINTIFF has sustained damages in the
14 form of an invasion and affront to her privacy, seclusion, and tranquility, and further causing her
15 suffering, anxiety, embarrassment, mental anguish, and inconvenience, in an amount to be determined
16 at trial.

17 95. On information and belief: as a direct and proximate result of the intentional, malicious,
18 wilful, oppressive, depraved, and reckless conduct of Defendants LOBARDS and RIDENOUR,
19 described herein, PLAINTIFF is entitled to an award of punitive or exemplary damages, including for,
20 but not limited to, the reasons that:

21 (a) Defendants LOBARDS and RIDENOUR acted with malice, express or implied,
22 and they engaged in conduct which was intended to injure a PLAINTIFF; and/or

23 (b) Defendants LOBARDS and RIDENOUR engaged in despicable conduct, with a
24 conscious disregard of the rights or safety of PLAINTIFF, knowing the probable harmful consequences
25 of his wrongful acts and having a willful and deliberate failure to act to avoid those consequences.

26 96. On information and belief, as a direct and proximate result of the intentional,
27 malicious, wilful, oppressive, depraved, and reckless conduct of Defendants LOBARDS and
28 RIDENOUR, described herein, PLAINTIFF has had to retain the services of attorneys in this matter,

1 and she therefore, seeks reimbursement for her attorneys' fees and costs.

2 **IX.**

3 **FIFTH CLAIM FOR RELIEF**

4 **NEGLIGENCE / GROSS NEGLIGENCE / EGREGIOUS CONDUCT**

5 **(Asserted against Defendants NEW FRONTIER, LOBARDS, RIDENOUR)**

6 97. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
7 fully set forth herein.

8 98. On information and belief, at all times relevant herein, the DEFENDANTS sued in this
9 claim knew that David Dummar was not fit to work in close proximity to PLAINTIFF in the
10 workplace, including by reason of the TPO, and that he had dangerous propensities toward
11 PLAINTIFF.

12 99. On information and belief, at all times relevant herein, the DEFENDANTS sued in this
13 cause of action knew that if precautions were not taken to prevent Mr. Dummar's close proximity to
14 PLAINTIFF in the workplace, such a failure would foreseeably cause harm and further harm to
15 PLAINTIFF, including acute anxiety.

16 100. On information and belief, at all times relevant herein, the DEFENDANTS sued in this
17 cause of action knew that if assurances were not provided to PLAINTIFF that precautions were taken to
18 prevent Mr. Dummar's close proximity to PLAINTIFF in the workplace, then such a failure would
19 foreseeably cause harm and further harm to PLAINTIFF, including acute anxiety.

20 101. On information and belief, at all times relevant herein, the Defendants sued in this claim
21 owed a duty of care to protect PLAINTIFF, from foreseeable harm that was certain to result to
22 PLAINTIFF in the workplace by the physical presence of Mr. Dummar.

23 102. On information and belief, at all times relevant herein, the Defendants sued in this claim
24 owed a duty of care to protect PLAINTIFF, from foreseeable harm that was certain to result to
25 PLAINTIFF in the workplace by the failure to provide PLAINTIFF assurances that Mr. Dummar would
26 not be in close physical proximity to PLAINTIFF in the workplace.

27 103. On information and belief: at all times relevant herein, the Defendants sued in this claim
28 breached their duty of care and engaged in intentional or egregious conduct and deliberate actions

1 certain to result in PLAINTIFF's injuries, as stated herein, including by: (a) knowingly failing to
 2 prevent Mr. Dummar's close proximity to PLAINTIFF in the workplace; and (b) knowingly failing to
 3 provide PLAINTIFF assurances that Mr. Dummar would not be in close physical proximity to
 4 PLAINTIFF in the workplace.

5 104. On information and belief, at all times relevant herein, the breaches of duty, intentional
 6 conduct, egregious conduct, and deliberate actions by the Defendants sued in this claim were the legal
 7 cause of PLAINTIFF's injuries, and PLAINTIFF suffered damages as a result.

8 105. On information and belief: as a direct and proximate result of the intentional, malicious,
 9 wilful, oppressive, depraved, and reckless conduct of Defendants sued in this claim, described herein,
 10 PLAINTIFF is entitled to an award of punitive or exemplary damages, including for, but not limited to,
 11 the reasons that:

12 (a) Defendants sued in this claim acted with malice, express or implied, and they
 13 engaged in conduct which was intended to injure a PLAINTIFF; and/or

14 (b) Defendants sued in this claim engaged in despicable conduct, with a conscious
 15 disregard of the rights or safety of PLAINTIFF, knowing the probable harmful consequences of his
 16 wrongful acts and having a willful and deliberate failure to act to avoid those consequences.

17 106. On information and belief, as a direct and proximate result of the intentional,
 18 malicious, wilful, oppressive, depraved, and reckless conduct of Defendants sued in this claim,
 19 described herein, PLAINTIFF has had to retain the services of attorneys in this matter, and she
 20 therefore, seeks reimbursement for her attorneys' fees and costs.

21 X.

22 SIXTH CLAIM FOR RELIEF

23 NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION

24 (Asserted against Defendants NEW FRONTIER, LOBARDS,
 25 and DOE BUSINESS ENTITIES 1-10)

26 107. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
 27 fully set forth herein.

28 108. On information and belief, at all relevant times herein, Defendants NEW FRONTIER

1 and DOE BUSINESS ENTITIES 1-10, and each of them, were responsible for hiring, training,
2 supervising, and retaining Defendants LOBARDS, RIDENOUR, and DOE INDIVIDUALS 1-50, and
3 each of them, respectively.

4 109. On information and belief, at all relevant times herein, Defendant ROBARDS was
5 responsible for hiring, training, supervising, and retaining Defendants RIDENOUR, and DOE
6 INDIVIDUALS 1-50, and each of them, respectively.

7 110. On information and belief, at all relevant times herein, Defendants sued in this claim,
8 and each of them, owed a general duty to conduct a reasonable background check on their potential
9 employees, respectively, including Defendants ROBARDS, RIDENOUR, Mr. Dummar, and DOE
10 INDIVIDUALS 1-50, and each of them, respectively, to ensure that such employees are fit for their
11 positions at NEW FRONTIER, including at the New Frontier Treatment Center, and to prevent harm to
12 other persons, including PLAINTIFF, by the employees' tortious or wrongful conduct, of the types
13 alleged herein.

14 111. On information and belief, at information and belief, at all times relevant hereto, the
15 Defendants sued in this claim, and each of them knew of the dangerous propensities of Mr. Dummar for
16 engaging in the type of culpable conduct alleged herein.

17 112. On information and belief, at information and belief, at all times relevant hereto, the
18 Defendants sued in this claim, and each of them knew of the dangerous propensities of Defendants
19 ROBARDS and RIDENOUR to engage in the culpable conduct alleged herein.

20 113. On information and belief, at all times relevant hereto, the Defendants sued in this claim
21 breached their respective duties of care when they hired Defendants ROBARDS and RIDENOUR and
22 Mr. Dummar, and each of them, respectively, even though these Defendants knew or should have
23 known of the dangerous propensities of these persons, as alleged herein, which dangerous propensities
24 gave way to culpable conduct by these persons and each of them, respectively, as alleged herein,
25 causing harm and injury to PLAINTIFF, as alleged herein.

26 114. On information and belief, at all relevant times herein, the Defendants sued in this claim,
27 owed a general duty to use reasonable care in the training, supervision, and retention of their respective
28 employees, Defendants ROBARDS and RIDENOUR and Mr. Dummar, and each of them, to make sure

1 that the employees are fit, and remain fit, for their positions, and to prevent harm to other persons,
2 including PLAINTIFF, by the employees' tortious or wrongful conduct, of the types alleged herein.

3 115. On information and belief, at all times relevant hereto, the Defendants sued herein
4 breached their respective duties of care when they placed and retained in their respective employs
5 Defendants ROBARDS and RIDENOUR, without properly training and supervising them, whom they
6 knew, or should have known behave and behaved, wrongfully and, in the positions placed and retained,
7 could or would harm someone else, and did harm PLAINTIFF, as alleged herein, such knowledge
8 including their knowledge that Defendants ROBARDS and RIDENOUR were not taking prompt,
9 appropriate, and corrective action against Mr. Dummar as alleged herein, in spite of the fact that he had
10 not completed his sexual harassment training at the treatment center, and in spite of the fact that a TPO
11 was issued against Mr. Dummar for the protection of PLAINTIFF, as alleged herein.

12 116. On information and belief, at all times relevant hereto, the Defendants sued in this claim
13 breached their respective duties of care when they placed and retained in their respective employs Mr.
14 Dummar, without properly training and supervising him, whom they knew, or should have known
15 behaves and behaved, wrongfully and, in the position placed and retained, could harm someone else,
16 and did harm PLAINTIFF, as alleged herein, such knowledge including their knowledge that Mr.
17 Dummar had not completed his sexual harassment training at the treatment center and their knowledge
18 that a TPO was issued against Mr. Dummar for the protection of PLAINTIFF, as alleged herein.

19 117. On information and belief, at all times relevant hereto, the Defendants sued in this claim,
20 and each of them, were negligent in the training, supervision, and retention of Defendants ROBARDS
21 and RIDENOUR and Mr. Dummar, and each of them, respectively, which failures caused the harm and
22 injuries to PLAINTIFF, as alleged herein, relating to the claims herein.

23 118. On information and belief, as a direct and proximate result of the negligent conduct of
24 the Defendants sued in this claim, and each of them, alleged herein, PLAINTIFF has suffered damages,
25 including for physical and mental injuries and harm, some of which may require future medical
26 evaluation and treatment, in an amount to be proven at trial.

27 119. On information and belief, as a direct and proximate result of the negligent conduct of
28 the Defendants sued in this claim, and each of them, alleged herein, PLAINTIFF has sustained damages

1 in the form of great pain, suffering and anxiety, as well as emotional distress and permanent injury and
2 disability, in an amount to be proven at trial.

3 120. On information and belief, as a direct and proximate result of the negligent conduct of
4 the Defendants sued in this claim, and each of them, alleged herein, PLAINTIFF has incurred, and will
5 continue to incur in the future, medical expenses, the full nature and extent of which are not presently
6 known, in an amount to be proven at trial.

7 121. On information and belief, as a direct and proximate result of the negligent conduct of
8 the Defendants sued herein, and each of them, PLAINTIFF has had to retain the services of attorneys in
9 this matter, and she therefore, seeks reimbursement for her attorneys' fees and costs.

10 **XI.**
11 ***RESPONDEAT SUPERIOR LIABILITY*²**

12 **(Asserted against Defendants NEW FRONTIER and DOE BUSINESS ENTITIES 1-10)**

13 (Vicarious Liability of Employers for Conduct by Their Employees, Occurring in the Course and Scope
14 of Employment by Defendants ROBARDS and RIDENOUR, Mr. Dummar and DOE INDIVIDUALS
1-50)

15 122. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
16 fully set forth herein.

17 123. On information and belief, at all relevant times herein, the Defendants sued in this claim,
18 and each of them, were under the control of their respective employers, Defendants NEW FRONTIER
19 and DOE BUSINESS ENTITIES 1-10.

20 124. On information and belief, at all relevant times herein, the acts of Defendants
21 ROBARDS and RIDENOUR, Mr. Dummar, and DOE INDIVIDUALS 1-50, and each of them,
22 complained of herein, were culpable and caused injury and harm to PLAINTIFF, as alleged herein.

23 125. On information and belief, at all relevant times herein, the culpable and injurious acts of
24

25 ² Strictly speaking *Respondeat Superior* is not considered to be a "cause of action" or "claim for relief" but a
26 method of assigning liability to an employer for the conduct of its employees. See *Fernandez v. Penske Truck Leasing Co.,*
27 *L.P.*, 2012 WL 1832571, 1 (D.Nev. 2012) (citing *Cruz v. Durbin*, 2011 WL 1792765 (D.Nev. 2011)). Accordingly, this
28 section for *Respondeat Superior* is not labeled as a claim for relief, but it seeks to assign liability to Defendants NEW
FRONTIER and DOE BUSINESS ENTITIES 1-10, vicariously, for the acts of their employees, Defendants ROBARDS and
RIDENOUR, Mr. Dummar, and DOE INDIVIDUALS 1-50.

1 Defendants ROBARDS and RIDENOUR, Mr. Dummar, and DOE INDIVIDUALS 1-50, and each of
 2 them, occurred when they, were under the control of their respective employers, Defendants NEW
 3 FRONTIER and DOE BUSINESS ENTITIES 1-10, and such acts by these employees, occurred within
 4 the course and scope of their employment.

5 126. On information and belief, based on the foregoing, PLAINTIFF is entitled to invoke the
 6 doctrine of *Respondeat Superior* to impose vicarious liability on Defendants NEW FRONTIER and
 7 DOE BUSINESS ENTITIES 1-10, as the respective employers of Defendants ROBARDS and
 8 RIDENOUR, Mr. Dummar, for the culpable conduct of these employees, occurring within the course
 9 and scope of their employment.

10 XII.

11 SEVENTH CLAIM FOR RELIEF

12 DECLARATORY RELIEF

13 (Asserted against All Defendants)

14 127. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though
 15 fully set forth herein.

16 128. On information and belief, pursuant to 28 U.S.C. § 2201, Federal Rule of Civil
 17 Procedure 57, 42 U.S.C. §§ 2000e-5, NRS 30.070, NRS 30.100, NRS 613.333, and the Court's inherent
 18 equitable powers, PLAINTIFF seeks, and is entitled to have, declaratory relief awarded in her favor, to
 19 declare her rights and the obligations of the Defendants sued herein, which matters are now in
 20 controversy or dispute, where such declaratory relief is necessary and proper to the termination of the
 21 disputes raised herein, including as specifically prayed for below, including declaratory relief whereby
 22 the Court issues a Declaration that Defendant NEW FRONTIER and DOE BUSINESS ENTITIES 1-
 23 10, unlawfully discriminated and retaliated against PLAINTIFF, under Title VII and the
 24 ADA/ADAAA, and otherwise violated Plaintiff's rights under Federal Law, as alleged herein.

25 ///

26 ///

27 ///

28 ///

XIII.

EIGHTH CLAIM FOR RELIEF

INJUNCTIVE RELIEF

(Asserted against All Defendants)

129. PLAINTIFF incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

130. On information and belief, pursuant to 28 U.S.C. § 2201, Federal Rule of Civil Procedure 65, 42 U.S.C. §§ 2000e-5, and NRS 33.010 *et seq.*, and the Court's inherent equitable powers, PLAINTIFF is entitled to have injunctive relief awarded in her favor, as such relief or any part thereof consists in restraining the commission or continuance of the acts complained of, perpetually, and to compel the obligations of the Defendants sued herein to give effect to the declaratory and other relief awarded by the Court in this action, where such injunctive relief is necessary and proper to the resolution of the disputes raised herein, including as specifically prayed for below.

XIV.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALICIA DEPAULIS prays for judgment against Defendants, as follows:

1. For equitable relief in the form of back-wages, front-wages, and for compensatory damages, and punitive damages as may be allowed for the employment discrimination claims arising under Title VII and the ADA;
2. For general damages in an amount in an amount to be determined at trial;
3. For special damages in an amount in an amount to be determined at trial;
4. For past and future compensatory damages, costs of medical care and treatment and other expenses incurred by reason of any intentional misconduct, acts, omissions, carelessness, recklessness, negligence, gross negligence, indifference, and other culpable conduct by Defendants, alleged herein, in an amount in an amount to be determined at trial;
5. For punitive and exemplary damages, in an amount in an amount to be determined at

1 trial;

2 6. For costs of the suit incurred herein, in an amount in an amount to be determined at trial;

3 7. For attorneys' fees, costs and prejudgment interest, in an amount in an amount to be
4 determined at trial;

5 8. For experts' fees, costs as allowed by law, in an amount in an amount to be determined
6 at trial;

7 9. For Declaratory relief, equitably determined by the Court at trial;

8 10. For Injunctive relief, equitably determined by the Court at trial;

9 11. For such other relief as the Court may deem just and proper; and

10 12. Pursuant to the *Federal Rules of Civil Procedure*, Rule 38, Plaintiff demands a trial by
11 jury on all issues triable by right of a jury.

12
13 Dated this 21st day of November, 2016.

14
15 THE GEDDES LAW FIRM, P.C.

16
17 

18 WILLIAM J. GEDDES
19 Nevada Bar Number 6984
20 The Geddes Law Firm, P.C.
21 8600 Technology Way, Suite 115
22 Reno, Nevada 89521
23 (775) 853-9455
24 Attorney for Plaintiff Alicia
25 DePaulis
26
27
28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION OF COMPLAINT

I, ALICIA DePAULIS, declare that I am the plaintiff in the above-captioned pleading, that I have read the foregoing *Complaint* and know the contents thereof, and the factual allegations of the same are true to my knowledge, except where asserted on information, and belief, and in such instances I am informed and believe such allegations are true, according to my information and belief.

Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

Executed on this 21st day of November, 2016.


ALICIA DePAULIS, *Plaintiff*